



Ground Reality

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GROUND REALITY

DOCUMENTING EVIDENCES OF VIOLENCE AGAINST WOMEN IN UP

A Report Prepared by

KRITI Resource Centre

On Behalf of the

**HISAAB Campaign
of
WAMA**

(Women's Association for Mobilisation and Action)

PUBLISHED 2002

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On behalf of WAMA Uttar Pradesh Women's Network

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PREFACE

The *HISAAB - Hinsa Sehna Bandh* (Accountability - Stop Tolerating Violence) campaign was started in Uttar Pradesh on 25th November, 2000, on the International day of Action Against Violence Against Women.

The *HISAAB* campaign drew its strength from its own partners' experiences of working earlier on Violence Against Women as well as from the experiences of the women's movement within India and elsewhere. It was a collective effort of many partner organisations of WAMA, some of whom were part of it from the early days, others who took the work ahead. It involved volunteers, grassroots workers, activists, media persons, political parties, police personnel and policy makers, all of whom joined in this struggle to ensure a life free from violence for women in Uttar Pradesh. It impacted on women in other states of India, and has mobilized community women to protest and demand accountability from society and the state for the continuing violence against women.

The *HISAAB* Campaign has two phases: in the first phase, close monitoring of the incidence of reported violence from newspapers was combined with studies of police and hospital records to create a composite image of the extent of Violence Against Women in Uttar Pradesh. This was supplemented by a substantial literature review. Women's organisations presented the findings and recommendations to representatives of different government departments and media at an interaction in April 2001, along with a mandate for state intervention. The objective was to reinforce the accountability of the state in safeguarding women's right to be free from violence. The second phase of the *HISAAB* Campaign included further monitoring efforts, research, fact-finding and case work, and a mass mobilization of several thousand women from all over the state for a Public Tribunal on Violence Against Women in Uttar Pradesh.

This report contains the documentation done in the first phase, including the literature review and the monitoring study. We hope this report will encourage other groups to undertake monitoring exercises to advocate more strongly for a society where women can be free from violence.

**WAMA,
Lucknow, Uttar Pradesh, India
2001**

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- ❖ AALI, Vanangana, Disha, Gramya, Nari Vikas Sewa Samiti and Mahila Shakti Vikas Kendra for the field work,
- ❖ Of KRITI Resource Centre for the Literature Review and
- ❖ Of AALI for designing and coordinating the study.

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SECTION ONE

Violence against Women : An Overview

1.1 Physical, Mental and Sexual Violence

In a patriarchal society women grow up in a climate of violence at home as well as outside (workplace, educational institution, community, state). The female self in such social setups is culturally constructed so as to accept and abide by violence. According to Goodman, et al. (1993); violence does not only include the physical act but also the whole continuum of behaviour all of which invoke men's abuse of power over women. Acts of violence faced by women throughout her life in various situations include: -



1.1.1 Domestic Violence

- ◆ Female Feticide
- ◆ Female Infanticide
- ◆ Sexual abuse of girl child
- ◆ Wife battering (which may lead to murder)
- ◆ Wife burning
- ◆ Torture for Dowry
- ◆ Marital rape
- ◆ Abuse of old women

1.1.2. Community (which includes workplace, educational institution, etc)

- ◆ Rape and sexual harassment
- ◆ Rape of girls/women of a certain community/social group to punish the whole community/group
- ◆ Communal violence
- ◆ Kidnapping
- ◆ Murder

1.1.3. State

- ◆ Torture at police custody, remand homes, hospitals, etc.
- ◆ Rape and sexual harassment at police custody, remand homes, hospitals etc.
- ◆ Coercion and violence related to population control programmes
- ◆ Inaction of the state machinery in the cases VAW, thus indirectly promoting it.
- ◆ Lack of proper redressal.

1.1.4 The three major agencies perpetuating various types of Violence against Women are listed above. A woman can be the victim of physical, mental or sexual violence. Physical violence is the easiest to identify. But more subtle form of violence is the mental violence, which drives so many women to acute depression, insanity or even suicide. Mental violence may take many forms. It can be said that a woman faces mental torture and violence right from her birth. A girl child is discriminated against in her access to food, parental care, and opportunities of education. She is forced to accept a censorship on all her movements and is burdened with household labour in comparison to her male counterparts. She is brought up to accept a subaltern position in comparison to men. As a married woman she has to put up with various mental stresses arising out of the prevalent patriarchal value system, for example:

- The pressure to give birth to a son,
- A constant fear of losing her good name and chastity,
- Facing mental torture for not bringing enough dowry
- Facing mental torture for not being fair skinned, etc.
- Being insulted in front of others/ own children
- Threats to her life, property or to severe all right over her children.

1.1.5. One of most heinous forms of sexual violence is child sexual abuse. Many forms of sexual violence like marital rape are not even recognized by the law or the society. Sexual violence is however not restricted to rape and sexual harassment. Attempts to exercise form of control over the sexuality of a woman is also considered a sexual violence. The following types of sexual violence could be identified:

- Rape
- Non-physical forms of pressure coercing a woman to have sex against her will.
- Sexual molestation
- Child Sexual Abuse

- Intimidation
- Verbal pressure
- Forced Marriage
- Marital Rape

1.2. Violence –Throughout the Lifecycle of a Woman

A woman faces violence throughout her lifecycle, as shown below

- Foetal- sex-selective abortion
- Childhood- Discrimination against girl child, Child sexual abuse
- Adolescent- trafficking of young girls, Violence at workplace, sexual abuse and rape of adolescents, unwanted pregnancy.
- Reproductive Age- Violence against pregnant women, wife beating, torture for dowry, dowry murder, marital rape, rape and sexual abuse, violence at work place, forced pregnancy, forced abortion, coercive population control and family planning programs sponsored by the State.
- Old Age- Abuse of aged, desertion.

VAW in all forms violates women's fundamental human rights. It violates their right to self-preservation, development, right over their own body and sexuality and of course right to equality. The international women's human rights movements have been very vocal on the question of violence and there are number of international laws safeguarding women's rights. But it has been noted that there has been a vast gap between the Government rhetoric and reality. Specially, in case of the state of UP, it has been widely felt that even the commitments made by the Central Governments are violated by the state. Further, there has been a dearth of documenting violation of women's human rights and seeking remedies for such atrocities in the state of UP.

There has been a global concern against VAW for some years and this led to the UN Convention for Eliminations of Discrimination against Women (CEDAW 1979). As part of this convention The International Bill of Rights for Women was framed and the GOI signed and ratified the Convention for Eliminations of Discrimination Against Women in 1993. The first country report to CEDAW committee was submitted in 2000. The Indian Constitution was a revolutionary in that it accorded equality on all counts to men and women, over fifty years ago. As a part of its commitment to equality various legislations have also been enacted to deal with Violence

against Women. The year 2001 has been declared as women's empowerment year by the GOI.

1.3 Defining Violence Against women:

The United Nations has defined violence against women in the Beijing Platform for Action (1995) as follows:

The term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.

This includes:

- Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.
- Other acts of violence against women include violation of the human rights of women in situations of armed conflict, in particular murder, systematic rape, sexual slavery and forced pregnancy.
- Acts of violence against women also include forced sterilization and forced abortion, coercive/forced use of contraceptives, female infanticide and prenatal sex selection.



- Harmful effects of certain traditional or customary practices and all acts of extremism linked to race, sex, language or religion that perpetuate the lower status accorded to women in the family, the workplace, the community and society.

This document further goes on to note that violence against women is exacerbated by social pressures, notably the shame of denouncing certain acts that have been perpetrated against women; women's lack of access to legal information, aid or protection; the lack of laws that effectively prohibit violence against women; failure to reform existing laws; inadequate efforts on the part of public authorities to promote awareness of and enforce existing laws; and the absence of educational and other means to address the causes and consequences of violence.

Others define violence against women as including exploitation, discrimination, upholding of unequal economic and social structures, the creation of an atmosphere of terror, threat or reprisal and all form of religio-cultural and political violence. It also underlies aspects of structural violence and form of control and coercion exercised through an hierarchical and patriarchal gender relationship in the family and society.

1.4. Violence against Women- Mandate for State Intervention

1.4.1.National Legal Framework

The legal and developmental framework of India has equality between sexes as one of its core values. This core value is fundamentally opposed to violence against women and specific provisions are being continually incorporated into the body of law and policy in the country. These provisions are found within the Constitution, the Indian Penal Code, the Judicial pronouncements (case law) of the Superior Courts.

1.4.2.International Commitments

India has ratified amongst other human right treaties the following which include issues relating to ending violence against women.

- International Covenant on Civil and Political Rights, (ICCPR)
- Convention on the Rights of the Child (CRC)

- Convention on Elimination on All Forms of Discrimination Against Women, (CEDAW)

1.4.3 Other Commitments

In addition to this the Government of India has accepted the following international agreements with out reservations:

- Nairobi Forward Looking Strategies (1985)
- UN General Assembly adopts 1st resolution on Domestic Violence (1985)
- Vienna Declaration and Program for action (1993)
- Cairo Conference Programme of Action (1994)
- Beijing Conference Platform for Action (1995)

1.5. Development POLICY and WOMEN in INDIA

The development policies in India have been focusing on women right from the first five-year plans. However, the orientation of the plans has changed over the years and they no longer remain welfare oriented. A short summary plans is given below throwing light on the various programmes adopted for women's development first plan onwards:

- | | |
|---------------------------------------|---|
| First Five Year Plan (1951-56) | <ul style="list-style-type: none"> ➤ The plan focused on providing social welfare services to women ➤ Adequate services to be provided to promote welfare of women so that they can play their legitimate role in the family and community. |
| Second Five Year Plan | <ul style="list-style-type: none"> • Collectives organized for better implementation • Women were clubbed with other categories for welfare such as old and disabled. |

Third and Fourth Five Year Plan	Focus on Education & Mother & Child health
Fifth Five Year Plan	Development Approach: Social welfare enlarged to encompass family issues and the role of women
Sixth Five Year Plan	<p>There was a definite shift from welfare to development approaches for women.</p> <p>The plan adopted a multi-disciplinary approach with thrust on the three core sectors of health, education and environment.</p>
Seventh Five Year Plan	<ul style="list-style-type: none"> • Focusing on linking women to mainstream development. Focus also on Beneficiary oriented programs that give direct benefits to women. • A separate Department of Women and Child Development was created in 1985. • The National Perspective Plan for Women (1988-2000) Was drawn up.
Eighth Five Year Plan	<ul style="list-style-type: none"> • The 8th plan was formulated against the backdrop of the new economic policy. • The strategy of the plan was to strengthen the grassroots organisations to articulate local women's needs and play an important role in decentralized planning and implementation • 1/3rd seats in the urban and rural self governess bodies were reserved for women
Ninth Five Year Plan	<ul style="list-style-type: none"> • NGOs recognized as valid constituents, to be consulted in all policy decisions.

The Department for Women and Child Development is the National Machinery for the Advancement of Women and Children, and is situated in the Ministry of Human Resource Development.

1.6. Violence against Women – Situation on the ground

Uttar Pradesh is one of the most violent states



in the whole country. According to National Crime Records Bureau the highest number of crimes against women are recorded in UP (1998). The National Human Rights Commission reiterates the same situation where more than 60 % of all human rights violation complaints are received from UP alone. In the year 1999, 1902 cases of Dowry torture and murder , 1369 cases of rape and 2441 case of abduction were reported by a leading daily, *Rashtriya Sahara* (dated 19th December, 2000). Some cases were especially shocking where the age of the victim was below six years. The members of

WAMA who work on violence and related issues in the grassroots have felt that the state response towards VAW is extremely clumsy and driven by patriarchal values and vested interests. The caseworkers found the attitude of the Police, Hospitals and even the Judiciary to be insensitive towards women who were victims of violence.

1.7. HISAAB – the evolution of a Campaign Against Violence Against Women in UP

The situation in Uttar Pradesh is exceptionally grim and for all intents and purposes seems to be worsening. The overall political, economic and social climate is increasingly becoming intolerant of plurality and diversity and violence aided by total lawlessness is the easiest method of dealing with this intolerance. Increasing evidences of violence against women is the obvious corollary. Economic changes that have taken place over the last decade or so are also adding to the woes of

women. At this juncture, women's activist, scholars and other concerned groups and individuals working in UP got together to reexamine the situation relating to Violence Against Women and to strive to reclaim the human rights of the women of the state which seem to be languishing.

The UP women's network WAMA took the initiative to spearhead a campaign against VAW and christened this campaign **HINSA SEHNA BANDH** or **HISAAB** which started on 25th November, 2000. **HISAAB** which means "accounts" in Hindi focused the campaign on state accountability in cases of violence against women. It also aimed at sensitising academicians, politicians and people working in the social sector about VAW.

The campaign started with the following objectives:

1. To establish Violence Against Women (VAW) as a major obstacle the path of women's development to the Govt. and in the political arena.
2. To advocate for an equitable policy regarding VAW.
3. To create awareness and concern among all those organs of the Govt. which are responsible for the redressal of VAW.
4. To encourage voluntary organisations all over UP working with women's to include VAW as a prime issue of their intervention and research programmes.

1.8. Documenting Violence - Looking at Ground Realities : It was decided to take up a preliminary study to analyse the attitudes of state, media as well as community regarding VAW.

1.8.1. Objectives :

The main objectives of this study were –

1. To collect and analyse reported information regarding Violence against Women in UP.
2. To analyse the response and attitudes of the state actors and the media

1.8.2. Sources of Information : Information was to be collected from the following sources at district levels -

- a. Police records
- b. Hospital records
- c. Courts records
- d. Media – Newspaper reports

1.8.2.1 Information from police sources :

- The following information was to be collected with respect to VAW :-
- Percentage of cases, which are dismissed with final report, i.e. found baseless after investigation.
- Percentage of charge sheets/arrests
- Percentage of arrests in case of dowry deaths.
- Age group of women most vulnerable to violence.
- Age group of women most vulnerable to rape.
- No. of women employed in each police station.

1.8.2.2. Information from the hospital :

- Percentage of male and female patients access in health services.
- Percentage of male and female patients in the burns wards.
- Age group of women most vulnerable to burn injuries.
- Status (Medico-legal) of female patients admitted in the burns ward.

1.8.2.3. Information from the Media :

- The different kinds of crimes against women reported in the newspapers in each district.
- The form and content of such reporting.

1.8.3. Methodology :

One of the basic agendas of the HISAB campaign a network was to build up of voluntary organisations in partnership with WAMA and their capacity building was to be done so as to enable them to take up research and advocacy on VAW. Thus the research was conducted with partnership of seven organisations in Uttar Pradesh working in various districts.

The organizations were –

<i>Organizations</i>	<i>District</i>
Kriti Resource Centre,	Lucknow
AALI	Lucknow
Disha	Saharanpur
Vanagana	Karvi
Nari Vikas Seva Samiti	Kushi Nagar
Gramya	Varanasi
Mahila Shakti Vikas Kendra	Mahoba

A two day Orientation Workshop of all the above documentation centres was organised for briefing them with resource persons from AALI and Vanangana. The documentation centres took the responsibility to collect data from police, hospital, court, media and village/district. One organisation was to do the literature review from libraries and Internet.

Time Schedule :

- The information from media was to be collected at least for the months of January, February and March (2001)
- Data from police and hospital sources were to be collected for the last one year (2001).
- The literature survey from various sources (books, journal and internet) was to be compiled by the end of March (2001)
- All the information were to be compiled by the end of March (2000) to be presented at a sharing workshop (April 2001)

1.8.4. Limitations of the study

While gathering information it became clear that it would not be possible for the study teams to gather all the information that we had set out to. One of the main difficulties was to access information from Government sources due to their refusal to divulge, as well as the unavailability of information. In effect information was collected more on the basis of what is available rather than of what we actually wanted.

- The information collected by the six focal points on many issues did not follow the same criteria and so comparative analysis could not be done.
- Information was collected from a limited area and it may not be accurately reflect the situation of the whole state of U.P.
- Due to lack of cooperation of Government agencies, information from hospital and police could not be collected in a comprehensive manner, information from courts could not be collected at all.
- The study primarily focused on reported incidents of violence and did not include any form of community response.

SECTION TWO

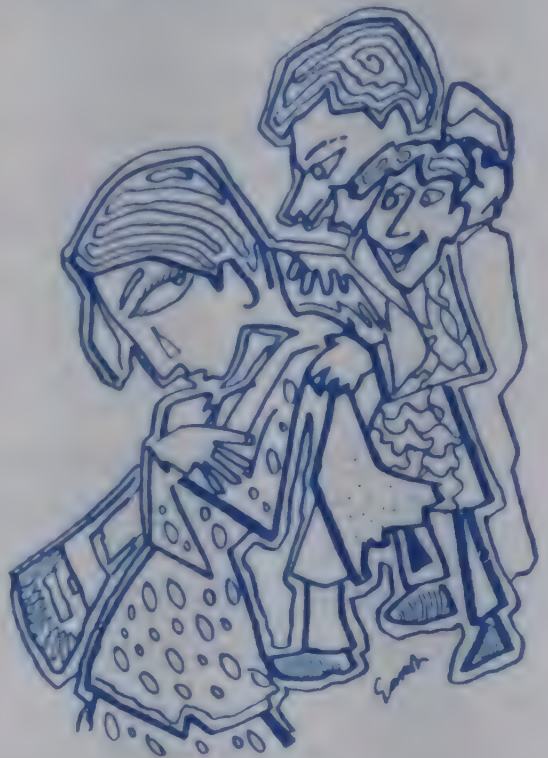
A Review Of Existing Literature

2.1. Part One - Situational Analysis

Violence against Women is a manifestation of the historically unequal power relations between men and women. It has been noted that in all patriarchal societies violence has been used as the most powerful instrument for suppressing the rights of women as equal partners both within the family as well as in society at large.

2.1.1. Violence against Women – A Global Phenomenon

Incidence of Violence against Women is very high in South Asia and this region is also known for its patriarchal social systems. This is also true for India, and social scientists (Kumar, 1991; Wadley, 1977) have observed that all predominant ideological trends promote male hegemony and women have to situate themselves within this framework. DasGupta, Chen and Krishnan (1998) observe that in our country, men's pivotal role is that of breadwinner, in spite of the contribution women make to the production process. Women, who are compared to the earth symbolically, are merely a necessary accessory for the "male seed" to reproduce itself. This conceptual framework ignores the contribution of women both in the area of production and also underestimates their reproductive roles. As a result, very high degree of culturally prescribed power and prestige is associated with having a male child. On the other hand, female children are subjected to an extremely hostile environment right from the foetal stage. Violence is accepted as an intrinsic part of the patriarchal ideology without much challenge from any component of the existing system which condones and contributes to discrimination against women and denial of many of their fundamental rights.



Violence against Women is however not restricted to South Asia only and is a phenomenon that cuts across class, socio-religious and geographic borders. The following tables based on studies conducted in various parts of the world presents a global overview of the phenomenon.

Table 1:Violence Against Women : A Global Overview

Country	Year	Pop size (n)	% of adult women physically assaulted by intimate partner		
			Previous 12 months	Current relationship	Ever
Ethiopia	1995	673	10		45
Kenya	1984-87	612		42	
Nigeria	1993	1000			31
S.Africa	1998	5077	6		13
Uganda	1995-96	1660		41	
Zimbabwe	1996	996			17
Australia	1996	6330	3	8	
Bangladesh	1993	10638		42	
Cambodia	1996	1374			16
India(UP)	1993-94	983		45	
Korea	1989	707	38		
Colombia	1995	6097		19	
Mexico	1996	1064			27
Nicaragua	1995	360	27		52

Table 2:Sexual Crimes In Some Selected Countries

COUNTRY	YEA R	% of perpetrators known to the victim	% of victims age 15 and under	% of victims age 10 and under
Lima Peru	1988	60		18
Malaysia	1988	68	58	18
Mexico City	1990	67	36	23
Panama City	1990	63	40	
Santiago (Chile)	1992	72	58	23
United States	1992	78	62	29
Papua Newguinea	1985		47	13

- According to a WHO study presented at Geneva; 52% of the women worldwide were physically assaulted by close male associates at least once in their lives.
- According to a WORLD BANK study domestic Violence Against Women accounted for 5% of the healthy years of working life lost in developing countries.

2.1.2. Violence against Women – The Indian Scenario

In India, the situation of Violence against Women has been depicted in numerous studies. The situation was considered so grave that the last round of the National Family Health Survey (1998-99) included this as an issue around which data was collected. *Table 3* shows women's experience with beating or physical mistreatment as gathered in this extensive country level study.

According to Dasgupta, Chen and Krishnan (1998-99) it is believed by majority of Indian people of Northern part of the country that as soon as a boy or a girl reaches pubescence some heat accumulates in their body. Girls get rid of this heat by menstruating monthly. After marriage this heat helps her to get pregnant and she needs to be hot in her husband's bed. But for men it is different. They need to get rid of the heat otherwise it may make them mad. This conceptual framework gives an excuse to the men to impose sexual advances on women. If a man commits rape or sexual harassment it is generally said that either he is not normal mentally or his wife is not able to satisfy him and the victim(woman) must have provoked him in some way or the other. Thus the blame ultimately lies with the woman.

Table 3: VAW in India : Findings from the NFHS 2

Background characteristics		%beaten or physically mistreated since age 15	%beaten or mistreated since age 15 by:			% beaten or physically mistreated in last 12 months
			Husband	In-laws	Others	
Age Group	15-19	15.4	12.8	1.3	3.1	11.5
	20-29	21.1	18.8	1.8	3.2	12.4
	30-39	23.0	20.9	1.9	3.0	11.3
	40-49	20.3	18.3	1.7	2.9	7.6
Married for	<5 YEARS	14.4	11.5	1.0	3.9	9.6
	5-9	21.2	19.0	1.5	3.1	12.8
	10 OR MORE	2.9	21.1	1.9	2.6	11.5
	Not Currently Married	27.4	24.2	4.2	4.1	6.8
Residence	Urban	16.8	14.3	1.5	3.6	7.7
	Rural	22.5	20.4	1.9	2.9	12.2

Facts and Figures - Violence against Women in India

- ❖ According to a study conducted by International Centre For Research On Women; Washington DC (1999), in India:
 - ❑ A case of rape or molestation in every 26 minutes
 - ❑ A case of dowry death in every 102 minutes
 - ❑ A case of sexual harassment in every 51 minutes
 - ❑ A case of torture in every 33 minutes.
- ❖ According to a study conducted by Jaising(1995) in a clinic in Mumbai, out of 8000 aborted foetus 7997 were female.
- ❖ Mahajan (1990)in Heise, et.al.(1994),reported that in Jullunder district. of Punjab 75% S.C. women were beaten by their husbands.
- ❖ According to a study conducted by Rao(1993) in Karnataka,22% women reported physical assault by their husbands.
- ❖ Siram and Bashi(1998)studied 617 battered women out of which 50% were beaten by husbands.

- ❖ Visaria(1998).According to a study conducted in Gujrat,66% women reported both verbal and physical assault and 42%reported physical assault only.
- ❖ According to a study by Castelino(1985) out of 133 post graduate upper and middle class students in India 26% reported having being sexually abused by the age of six.
- ❖ In a study led by Dr. Sandra Martin (1999) of the University of North Carolina, Conducted in **Uttar Pradesh** and which interviewed more than 6000 men it was found that 50% of the men physically abuse their wives. It also shows that abuse was more common among men who had extra marital affairs; as well as in rural community or of lower social standing Martin said this sexual abuse could be the reason of the increase in HIV infection among monogamous wives.
- ❖ In another study by Jeejeebhoy & Cook, 1997; out of a sample is of 983 women in **Uttar Pradesh** ; 45% of the women in the age group of 15-39 years reported physical assault by an intimate partner.
- ❖ The draft policy on women of the UP Govt. claim that there are every year more than:
 - ❑ 1500 cases of rape
 - ❑ 2500 cases of indecent behavior
 - ❑ 200 cases of kidnapping

(As reported by AMNESTY International, March 2001)

- ❖ Out of approximately 9,00,000 sex workers in India, 30% are children and the number engaged in flesh trade is increasing at the rate of 8-10 % per annum.
- ◆ Agra in **Uttar Pradesh** is one of main the centres for trafficking of young girls.
- ◆ [Ref: Womenspeak; New Delhi, March 2000]
- ❖ A survey conducted by Radhika Coomaraswamy on violence against women in India revealed that in almost 94% of the cases the victims the offenders were members of the same family; in 90% of these cases the wife was the victim of the husband further more, 9 out of 10 murders of women were incidents of husbands killing their wives.
- ❖ A study by Partha Banerjee (Injustice Studies Vol. I Nov. 97) on bride burning and dowry deaths in India in the states of Maharashtra and **Uttar Pradesh** reveals that the incidence of dowry abuse and deaths have surged since 1987.

2.1.3. Violence Against Women : An Overview Of Uttar Pradesh

2.1.3.1 Facts and Figures:

Uttar Pradesh is considered the most violent of all Indian states. According to national Crime Records Bureau the highest number of crimes against women are recorded in UP (1998). The National Human Rights Commission reiterates the same situation where more than 60 % of all human rights violation complaints are received from UP alone. The following figures show incidence of various types of violence against women (source NCRB ,1998)

Crimes committed against women	Incidence in the state of UP	Incidence in India
Incidence of total cognizable crimes	17497	131338
% contribution to all-India total	13.3%	100.0%
Rates of total cognizable crimes	10.7%	13.5%
Rank in India on the basis of %share	1 st	

Crimes committed against women in the state of Uttar Pradesh
(against all-India total)

Rape	Kidnapping and Abduction	Dowry Murders	Cruelty by husband and relatives	Molestation	Eve teasing
10.7%	17.6%	32.2%	12.4%	7.8	31.7

The incidence of domestic violence against women as recorded in the NFHS-2 is given below:

Domestic Violence Against Women (source : NFHS-2 ,1999)

	Women physically abused since the age of 15	Physically abused since age 15			Physically assaulted in last 12 months
		By Husband	By in-laws	By others	
India	21%	18.8%	1.8%	3.1%	11.1%
UP	22.4%	20.8%	1.9%	2.2%	13.5%

According to a report published by a leading Hindi daily, *Rashtriya Sahara* dated December 19th 2000, the incidence of VAW in the state of UP reported in 1999 are as follows:

Offence	Frequency
Dowry torture and murder	1902
Rape	1369
Abduction	2441

2.1.3.2 Variation in men's attitude and rates abuse of women in U.P.

In a study conducted by Narayana, it was found that men consider wife battering as their natural rights.

District	% Who Admit To Forcing Wife To Have Sex	%Who Agree That If Wife Disobeys, She Should Be Beaten	%Who Admit Of Hitting Wife	% Who Hit Wife In Last Year
Aligarh	31	15	29	17
Banda	17	50	45	33
Gonda	36	27	31	20
Kanpur Nagar	14	11	22	10
Naintal	21	10	18	11

Source-Narayana.G.(1996).Family Violence, Sex And Reproductive Health Behaviour Among Men In Uttar Pradesh. (Unpublished).

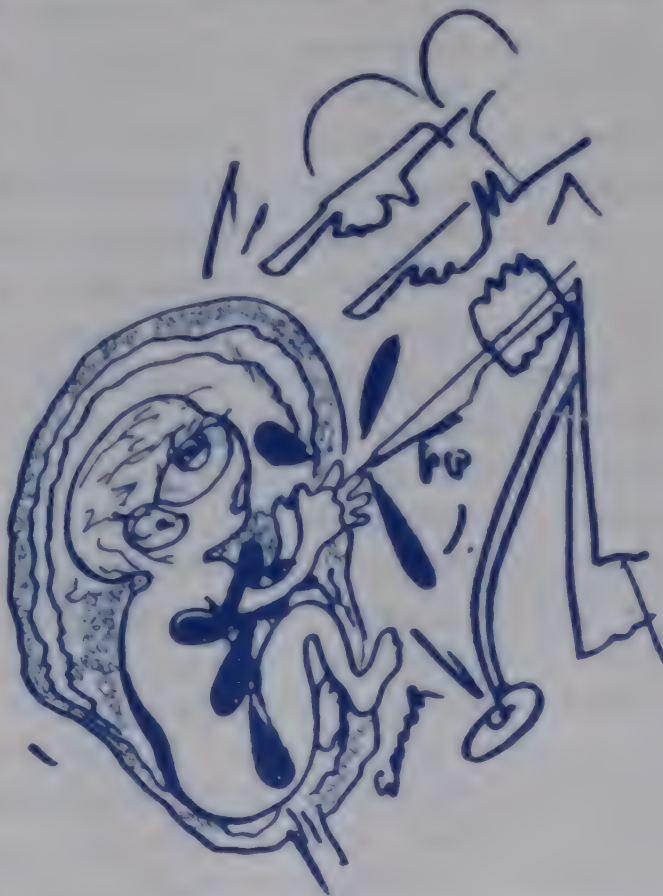
2.2. Part Two: Theoretical Frameworks for Understanding Violence Against Women

2.2.1. Defining Violence against Women

The United Nations has prepared a very elaborate definition of violence against women in the Beijing Platform of Action (1995) which is reproduced below:

The term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. Accordingly, violence against women encompasses but is not limited to the following:

- *Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;*
- *Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;*
- *Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.*



- *Other acts of violence against women include violation of the human rights of women in situations of armed conflict, in particular murder, systematic rape, sexual slavery and forced pregnancy.*
- *Acts of violence against women also include forced sterilization and forced abortion, coercive/forced use of contraceptives, female infanticide and prenatal sex selection.*
- *Some groups of women, such as women belonging to minority groups, indigenous women, refugee women, women migrants, including women migrant workers, women in poverty living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women, displaced women, repatriated women, women living in poverty and women in situations of armed conflict, foreign occupation, wars of aggression, civil wars, terrorism, including hostage-taking, are also particularly vulnerable to violence.*

Acts or threats of violence, whether occurring within the home or in the community, or perpetrated or condoned by the State, instill fear and insecurity in women's lives and are obstacles to the achievement of equality and for development and peace. The fear of violence, including harassment, is a permanent constraint on the mobility of women and limits their access to resources and basic activities. High social, health and economic costs to the individual and society are associated with violence against women. Violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men. In many cases, violence against women and girls occurs in the family or within the home, where violence is often tolerated. The neglect, physical and sexual abuse, and rape of girl children and women by family members and other members of the household, as well as incidences of spousal and non-spousal abuse, often go unreported and are thus difficult to detect. Even when such violence is reported, there is often a failure to protect victims or punish perpetrators.

Violence against women is a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of women's full advancement. Violence against women throughout the life cycle derives essentially from cultural patterns, in particular the harmful effects of certain traditional or customary practices and all acts of extremism linked to race, sex, language or

religion that perpetuate the lower status accorded to women in the family, the workplace, the community and society. Violence against women is exacerbated by social pressures, notably the shame of denouncing certain acts that have been perpetrated against women; women's lack of access to legal information, aid or protection; the lack of laws that effectively prohibit violence against women; failure to reform existing laws; inadequate efforts on the part of public authorities to promote awareness of and enforce existing laws; and the absence of educational and other means to address the causes and consequences of violence. Images in the media of violence against women, in particular those that depict rape or sexual slavery as well as the use of women and girls as sex objects, including pornography, are factors contributing to the continued prevalence of such violence, adversely influencing the community at large, in particular children and young people.

2.2.2. A Gender Based Understanding on Violence Against Women

2.2.2.1 Feminist Understanding

Feminists all over the world define violence against women as including exploitation, discrimination, upholding of hierarchical economic and social structures, the creation of an atmosphere of terror, threat or reprisal and all form of religio-cultural and political violence. It also underlies aspects of structural violence and forms of control and coercion exercised through an hierarchical and patriarchal gender relationship in the family and society. Women are considered the property the male; their sexuality, fertility and labour are systematically controlled. The consequent submission and subordination of women are further ensured through the process of socialization which establishes possessional right of men over women and which appear as an exchange of a promise of protection (whether actually fulfilled or not) in return or submission and exclusive use.(Kelkar, 1992)

The family is however not the only place where a women is assaulted. The community and the state use violence against women. The increased reporting of gang-rape of women across the country is especially alarming. At present, the conviction rate of rape in India is barely 40%. Sexual violence is used as an instrument to send wide message. Humiliating women by raping and stripping them naked publicly; specially of those belonging to Dalit communities is used by economically and socially powerful persons to teach a lesson to the

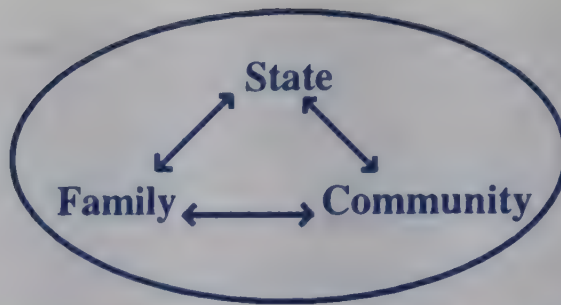
A woman's body is used for formation of community identity as well. According to Kannabiran (1995) there are two ways in which identity formation takes place; first through rape of women of minority and marginalises groups and second, through allegation by the dominant group of rape and aggression against their women; by men of minority community. This allegation justifies their hegemony by demonstrating lack of character of minority men.

It is apparent that the "religio-cultural values" are used as an excuse of violence and discrimination against women all over the world; e.g. genital mutilations in Africa; dowry in Asian countries, female foeticide and infanticide; wife beating; etc. The concerned countries often have a democratic constitution (e.g. in India) but the functioning of the state machinery endorses the cultural norms existing in the society. It is in this respect that feminists felt the intense need of international intervention for advocating for the human rights of women.

2.2.3. Role of the state in Violence Against Women

The State not only tends to overlook familial forms of violence against women but also perpetuates them in the name of upholding cultural legitimacy and law and order. It has been extremely insensitive towards the victims or victim's family of dowry deaths, beating, rape and molestation and being lenient towards the offenders. According to 1985 review of Bureau of Police Research and Development, 20,000 rapes were committed in India per year. It is estimated that the actual number is fourfold since most victims/family do not usually report the incidence. The offenders usually go scot-free for lack of "evidence". In Feb. 1988, a group of 14 policemen assisted by home guards plundered the village Parasit, in Bihar, and committed mass rape. But in a 72 page judgement delivered by Justice O.P.Sinha in March, 1989 all the accused were acquitted because the victims – the women in question, belonged to working class and were tribals. It was naturally assumed that they lacked character. A similar judgement was delivered in the case of Bhanwari Devi in Rajasthan.

A close analysis of cases of gender violence reveals that the three agents (family, community, state) are not free of each other but closely interlinked, influencing each other's responses.



The state is the institution, which allows different socio-cultural and economic practices (family structure, civil society, gender and economic relations) to be transformed into a systematic practice of regulation, of rule and norm and of normalization within society. The state condenses very different social practices and transforms them into the operation of rules and regulation. When an act of violence occurs; the three agents were found to rally together by many activists working on gender violence.

The intricate relationship existing among the above three agents was also noted by the Ms. Radhika Coomaraswamy (Sri Lanka) who was appointed to the post of special rapporteur by the UN Commission on Human Rights, at its Fifth Session (March, 1994). It was noted in her report that the lack of legal guarantees and safeguards and the lack of access to information on these mechanisms and laws all reinforce women's vulnerability to violence. In addressing violence in family, state often tolerated violence intended to control women in their so-called private lives. The rhetoric of public vs private and the consequent primacy afforded to the public realm has fundamentally affected perceptions of women's rights. In distinguishing certain forms of violence as domestic violence only focuses attention on such violence as private acts within the family. Such a definition of domestic violence focusing solely on private actors, and legitimizes the public/private dichotomy. The reporter also noted that at its most complex, domestic violence exists as a powerful tool of oppression. The "private" affair was reinforced by "community thinking" - the notion existing in society that women are liabilities and was on rise because the state machinery tuned a blind eye to the incidences.

2.2.4. Domestic Violence

A study by International Centre for Research on Women(ICRW 2000) on domestic violence in four countries included India. The Indian experience was compiled by the following -

- Institute of Development studies; Ahmedabad (A study of 346 married women in rural Gujarat by Leela Visaria)
- TATA Institute of Social Sciences, Mumbai (Assessment of domestic violence through hospital and community health records)
- International Clinical Epidemiologists Network (INCLEN) (The Study Evaluating domestic violence - based in seven sites of India;)
- Duvery Nata; P Varia, Misha, "Violence against women in marital home; links with education and unemployment"

Some of the key findings of the above studies related to domestic violence are summarised below:

- ❖ Domestic violence is a pervasive and serious epidemic that cuts across class and regions in India.
- ❖ Though there may be variation in the reporting of violence according to strata or other correlates, the character of violence experienced is uniform. Similar proportion of women from strata (urban slum, urban non-slum, rural) reported experiencing violence in multiple forms, several times during their married lives, and during pregnancy moreover, 58% of the women said that both their natal and marital kins were aware of the violence, 41% reported that neighbors also have the knowledge. Majority of the women think that violence is a normal part of their marriage.
- ❖ Exploring the relationship between employment status of women and violence, it was found that no easy equation can be drawn. Many factors have to be taken into account as described below:
 - (a) If the woman has a steadier income than her husband but her nature of job is seasonal/casual/low paying; added generally with husband's alcoholic habits, the violence increases.
 - (b) If the wife has a secure job in a formal sector and is able to get the support of her natal kin as well (which her steady income may ensure) the violence decreases.
 - (c) There is thus a likelihood of "U" shaped relationship between employment and reporting of violence.
 - (d) Violence may be expressed in terms of gender dynamics of power within a relationship.

2.2.8.Culture As An Excuse

A study by Partha Sarathi (1995) cited earlier; reveals that in most cases of violence against women; the first information report (FIR) was not filed. The reasons were "Cultural". Parents thought that it was against their "custom" to take a "private" affair to the "public" field; they were certain of the inaction of the "police" who would invariably advise them to resolve the private matter within their own four walls. This is more so when the offender and his family members may belong to upper caste/class or may have connections with ruling parties. Further it takes five to ten years to resolve a case, it is very difficult to find "evidences". Incredible as it may sound, in many cases it was found that the convicted husband will be requested by the parents of his killed bride to marry her sister and "bury" the whole affair. The logic for this apparently fantastic decision being that the death of the woman as well as the legal action take by the parents has left permanent mark of misfortune on her natal family, resulting in out casting/abhorrence by other prospective bridegrooms for her sister. The pressure of the patriarchal society and the upper caste rulers workers on the natal family; the unmarried sisters are sure targets for neighborhood hecklers. But if the "Son-in-law" agrees to marry with less dowry (not without); parents feel relieved.

2.3 Part Three: Dealing with Violence Against Women

2.3.1. International Treaties and Conventions

In response to the growing concern over violence against women worldwide, a number of International Treaties and Conventions were reiterated. A brief summary of these are presented below:

2.3.1.1 CEDAW: The Convention on the Elimination of All Forms of Discrimination against Women was passed in 1979. However, the article defining violence against women was incorporated only in 1989 under group 12 and group 19.

General Recommendation 12

1. The legislation in force to protect women against the incidence of all kinds of violence in everyday life (including sexual violence, abuses in the family, sexual harassment at the work place etc.)
2. Other measures adopted to eradicate this violence;
3. The existence of support services for women who are the victims of aggression or abuses;
4. Statistical data on the incidence of violence of all kinds against women and on women who are the victims of violence

General Recommendation 19

1. Gender-based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men.

4. The Committee concluded that not all the reports of States parties adequately reflected the close connection between discrimination against women, gender-based violence, and violations of human rights and fundamental freedoms. The full implementation of the Convention required States to take positive measures to eliminate all forms of violence against women.

General Comments

6. The Convention in article 1 defines discrimination against women. The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. Gender-based violence

may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence.

7. Gender-based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of article 1 of the Convention. These rights and freedoms include:

- (a) The right to life;
- (b) The right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment;
- (c) The right to equal protection according to humanitarian norms in time of international or internal armed conflict;
- (d) The right to liberty and security of person;
- (e) The right to equal protection under the law;
- (f) The right to equality in the family;
- (g) The right to the highest standard attainable of physical and mental health;
- (h) The right to just and favorable conditions of work.

11. Traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles perpetuate widespread practices involving violence or coercion, such as family violence and abuse, forced marriage, dowry deaths, acid attacks and female circumcision. Such prejudices and practices may justify gender-based violence as a form of protection or control of women. The effect of such violence on the physical and mental integrity of women is to deprive them the equal enjoyment, exercise and knowledge of human rights and fundamental freedoms. While this comment addresses mainly actual or threatened violence the underlying consequences of these forms of gender-based violence help to maintain women in subordinate roles and contribute to the low level of political participation and to their lower level of education, skills and work opportunities.

23. Family violence is one of the most insidious forms of violence against women. It is prevalent in all societies. Within family relationships women of all ages are subjected to violence of all kinds, including battering, rape, other forms of sexual assault, mental and other forms of violence, which are perpetuated by traditional attitudes. Lack of economic independence forces many women to stay in violent relationships. The abrogation of their family responsibilities by men can be a form of violence, and coercion.

These forms of violence put women's health at risk and impair their ability to participate in family life and public life on a basis of equality.

2.3.1.2. VIENNA PROGRAMME OF ACTION: The Vienna Programme of Action (1993) emanates from the UN Declaration on the Elimination of Violence against Women (1993). This PoA clearly articulates that gender based violence, sexual harassment and exploitation including those behaviours resulting from cultural practices and prejudices controvert human rights norms and dignity of human person, therefore cannot be tolerated.

- The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community.
- Gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated. This can be achieved by legal measures and through national action and international cooperation in such fields as economic and social development, education, safe maternity and health care, and social support.
- The human rights of women should form an integral part of the United Nations human rights activities, including the promotion of all human rights instruments relating to women.
- The World Conference on Human Rights urges Governments, institutions, intergovernmental and non-governmental organizations to intensify their efforts for the protection and promotion of human rights of women and the girl-child.

2.3.2. Indian Legal Framework

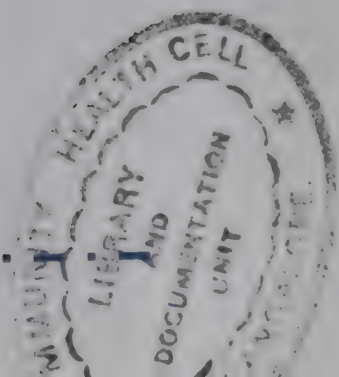
- **The Constitution of India** –The issue of equality men and women and that of VAW is taken up in the following sections-
 - Preamble
 - Articles 14, 15, and 16 (Special Provisions to ensure equality and Non Discrimination for Women)
 - Directive Principles of State Policy (Articles 39 and 42)
- **Indian Penal Code**
 - Recognizes Violence against women as a crime
 - Recognizes Domestic Violence against women
 - Government of India recognizes women's need for compensation in cases of rape, at least for the Dalit women, in view of their special circumstances. (SC/ST Act)
 - Some of the Acts related to VAW include Sections 304B, Section 363, Section 354, Section 366, Section 366A and Section 498A.
- **Supreme Court** recognizes the concept of Restorative Justice and has taken initiatives against violence against women through judicial pronouncements, a recent example being the Visakha vs State of Rajasthan, where it formulated the Sexual Harassment at Workplace Law.
- **Domestic Violence against Women Bill (draft)** – This is a bill pending before the Parliament. It was moved by Moved by the Government of India (Department of Women and Child Development, in consultation with NGOs)

2.3.3. Saying No to Violence – Civil Society Response in India

The history of modern India is replete with examples of individuals and groups taking a stand – individually or collectively to protest against the widespread violence against women which receives social sanction and legal connivance. Early protests like those against Sati were within a paternalistic approach but later on feminists have taken the lead. Some of the miles stones in recent history have been – (can

we include the Bombay women's groups experiences; also some of the legislative milestones)

- In 1979, the Anti-Dowry movement started in New Delhi, which continued to rock the country till 1982. In 1982, the Anti-Dowry (Amendment) Act was passed.
- In 1980, the Mathura rape case proved to be a curtain raiser on sexual violence against women and feminists all over the country took up the agenda strongly. In 1983, specific amendments were made in the Anti-rape Act to make it more pro-women.
- In 1987, women groups staged strong protests against the Roop Kunwar Sati deification in Rajasthan.
- In 1987, women groups started a movement against foetal sex-determination tests.
- Women's groups throughout the country protested against the rape of Bhanwari Bai, a Sathin of Rajasthan in 1991; especially so because the upper caste perpetrators were let scot free by the court in 1993.
- In 1999, women's groups strongly protested against the sexual exploitation of the daughter by the father that had come to light in Karvi, Uttar Pradesh, raising the whole issue of the sexual abuse of girl children especially within the family.
- From 1985, women's groups have been using various means including PIL to register protest against the invasive and hazardous contraceptives for women that are being promoted in the country.



SECTION THREE

Findings from the WAMA Study for the HISAAB Campaign, Phase One, 2001

The study was conducted with partnership of seven organisations in Uttar Pradesh working in various districts, and data was collated in March and April, 2000. The following is the compilation and analysis of the data.

3.1. Media Findings

3.1.1. Types of Violence

The six focal points each scanned a number of local newspapers for the information related to Violence against Women for approximately three months. The following types of violence were reported in the media:

- Rape
- Domestic Violence
- Dowry Murder
- Suicide
- Murder
- Mental Torture
- Violence Under Civil Custody
- Kidnapping
- Criminal Negligence Of Health
- Rendering Homeless
- Torture
- Others

The following Table shows distribution of cases of VAW (after eliminating common cases reported in multiple newspapers) as recorded by different focal points from their local newspapers between the months of January to March.

Table 1 Frequencies Of Cases Of VAW as Recorded By The Focal Points

Focal Points	Number Of Days Of Media Scanning	Number Of Days Of Without Any Incidence Of Vaw	Cases Of VAW/Day (Based On Total No. Of Days Scanned)	Cases/day of reporting of VAW
Vanagana, Karvi	69	15	3.4	4.4
Mahila Shakti, Mahoba	89	43	2.1	4.1
Gramya, Varanasi	58	32	1.3	3
NVSS, Kushinagar	89	35	1.3	2.1
Disha, Saharanpur	58	2	9.3	9.6
AALI, Lucknow	89	0	4.3	4.3

As the table shows, the number of days scanned by the focal points varied between 58 to 89 days. The data indicates that reporting of violence against women is quite high in some parts of the state – Lucknow, Saharanpur, and Karvi. If we only see those dates in which violence against women is reported, the average number of cases per day across the state comes to roughly the same figure of 3 to 4 cases per day with the exception of Saharanpur. Obviously violence against women here is perhaps higher. It is also interesting to note that there are very few violence free days of reporting in Saharanpur (2 days) and Lucknow (0) days.

Table 2 shows the frequency of reported violence (a cumulative of all focal points) during the period of three months:

Table Two: Types of Violence in Media reports

Type Of Violence reported	Frequency
Sexual Violence	76
Rape	218
Domestic Violence	165
Suicide	137
Murder	243
Mental Torture	107
Violence Under Civil Custody	21

Kidnapping	96
Criminal Negligence Of Health	16
Rendering Homeless	63
Torture	110
Others	110

There were 95 reportings of dowry murders in this period of three months. In the reported 137 cases of suicide, many were due to domestic violence and torture for dowry. The principal reasons of dowry deaths were demand of motorcycle/scooter, cash between Rs.20, 000 (Rupees twenty thousands) to Rs.25,000.(Rupees twenty-five thousands);a gold necklace or even a buffalo. The main perpetrators in cases of dowry death and domestic violence were :

- Husbands
- Parents-in-law
- Brother-in-law, and others.

Usually, the following methods of killing were reported:

- ◆ Burning
- ◆ Throttling
- ◆ Hanging
- ◆ Beating with a blunt instrument

Later on ,the dead bodies were reported to be disposed off secretly, some were thrown in river, others cremated in a hurry or left unclaimed in the hospital. However, in cases of rape and sexual violence, reported perpetrators were usually outside the family.

3.1.2.Response of police and media in the cases of VAW

– In a majority of cases reported in the media, police had arrested one or more accused. However in many cases, the arrests were unnaturally delayed. Delays by the police in filing the First Information Reports (FIRs) were also reported by the media .

- In most of the media headlines mothers-in-law were mentioned, shifting the blame to women and conforming to the popular belief that women themselves are the greatest upholders of dowry system.

- It was also noted that atrocities against women always find a second place in terms of media news value in comparison to other news items.

3.2. Information From The Hospitals

3.2.1 Types of Violence found:

While looking for the cases of VAW the following categories were taken into account:

- ◆ Burns
- ◆ Serious injuries
- ◆ Poisoning
- ◆ MLPC & MLVC (Medico –Legal cases; MLPC – Police Case registered; MLVC not registered)
- ◆ Accidents
- ◆ Others

A total of 508 hospital cases were collected from six focal points and their distribution is given below-

Table Three: Distribution of hospital cases recorded

<i>Centre</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>
AALI	98	8	106
Disha	29	47	76
Mahila Shakti Vikas Kendra	32	58	90
Nari Vikas Sewa Samiti	9	1	10
Vanagana	200	0	200
Gramya	18	7	25

However, data was not collected uniformly by all the centers and the time periods were also different, so the data was analysed according to hospital specific parameters rather than common parameters. In Lucknow, information was collected from two large city hospitals over a two months period. At Karvi, data was collected for one year from the district hospital, but only for women patients. At Mahoba and Varanasi, the information was collected for four and six months respectively. The Kushinagar group collected information for one month. Gramya focused on burns related information while Vanagana focused on the medico-legal nature of the women's admission.

The distribution of cases from various centres as per their conditions of injuries are given below:

Table Four: Conditions Of Hospital cases recorded

Centres	Burns	Poison	Serious Injuries	MLPC	MLVC	Accidents	Others
AALI	3	18	59	0	0	0	26
Vanagan	0	0	0	67	39	94	0
a							
MSVK	2	1	6	0	0	0	81
Gramya	25	0	0	0	0	0	0
NVSS	0	0	0	0	0	0	10
DISHA	17	65	56	0	0	0	3
Total	47	24	65	67	39	94	111

3.2.2. Analysis of Hospital data:

Lucknow:

- ◆ Between a period of 15 days, 65 women were admitted in serious condition in one hospital. Out of these 65, 59 women were seriously injured and, four were severely burned and one was poisoned.
- ◆ Most of these women (55 out of 65) belonged to the age group 15-49.
- ◆ In another hospital, during a period of 42 days 42 patients were admitted for similar causes out of which 34 were women and only 8 were men.
- ◆ A total of 80 women were admitted in serious injuries out of which 11 were pregnant and in 4 cases abortion had already started due to injuries.
- ◆ The main areas of injuries among women were face, abdomen and breasts.
- ◆ Hitting with blunt objects caused majority of the injuries among women.

Mahoba

Between December 2000 and March 2001, 90 cases were recorded from District Hospital Mahoba of which 32 were women. Of these seven cases were of burns and one of poisoning.

Varanasi

A total of 25 cases of burns were admitted in District Hospital Varansi between October, 2000 and March, 2001 out of which a disproportionately high proportion 18 (nearly three quarters) were females.

Karvi

200 cases of female records were collected from district hospital Karvi for the year 2000. These were classified as being medico-legal cases. Out of 106 (more than half) cases were found to be medico-legal cases compared to 94 accidents.

Saharanpur

Interestingly the Saharanpur district hospital data reveals that in the three month period – December 2000 to February 2001 a total of 73 cases of poisoning and burns were admitted. Of them 26 were women and 47 men the proportion of burns and poisoning was roughly the same with both women and men- Burns - 6 out of 27 (22%) in the case of women and 11 out of 46 (24%) in men; Poisoning – 21 out of 27 (78%) in women and 35 out of 46 (76%) in men.

3.2.3. Conclusions - Some of the tentative conclusions that can be drawn from the limited data are:

- A very large proportion of admissions in the case of women is due to striking by blunt objects.
- Women in the Reproductive age groups are at high risk for injury
- If the same nature of injuries are taken for both men and women (eg. Injury with blunt instrument) women are at far higher risk of injury than men
- Pregnant women are at risk of facing injury
- Physical injury in pregnant women is often associated with pregnancy loss
- Women are at higher risk for burns
- A large proportion of injuries in the case of women can be attributed to medico-legal causes as opposed to accidents.

3.3. Information from the Police

3.3.1. Types and Extent of Violence:

Data from five police station were collected by the respective documentation centres. The data consisted of FIRs filed by women or their families. Unfortunately, the time frame for all the centres was not uniform. A total of 193 cases were documented. They were filed under following sections:

Table Five: Types of Police Cases

Section	No of Cases	Type of Offence
498A dowry related harassment	74	Cognizable and Non-bailable
304B dowry murder	43	Cognizable and Non-bailable
354 outrage of modesty 2	6	Cognizable and bailable
376 rape	51	Cognizable and Non-bailable

All of these sections are cognizable offences which means that police is entitled to take action straight away. Apart from 354, all the above are non- bailable .Out of total of 193 cases, 181 were in such in which the victim had named the accused (Namzad) but arrests were made only in 161 cases.

Rape: Section 376

There were 51 cases of rape reported. Among these, 34.32% (about a third) were such where the rape victims had recognized and named the accused yet, in 47% (less than half) of these cases no arrest were made though rape is a cognizable and non-bailable offence. It has to be noted that 47.6% of all the rape victims below 20 years of age.

Outrage of Modesty: Section 354

Section 354 is a cognizable but bailable offence. But it should not be taken lightly since it includes those cases where a victim is stripped paraded in the village. It was found that out of 26 cases, 92% were such where the accused were named (Namzad). But it was to find that 42.3% cases the police did not even bother to put up an enquiry, reflecting the callous and insensitive attitude of this department.

Dowry related Violence: Sections 304B and 498 A

Torture related to dowry demands and dowry related murder are one of the most heinous crimes against women in our country. What is more shocking is that the accused are close family members. In the records we collected no arrests were made in 40.% cases under 498A and under section 304B no arrests had been made in 30% of the cases.

3.3.2. Analysis

An over all analysis of the data from all sections show that shows that:

- Out of the total cases (193) , 41% were such where no arrests were made despite the fact that in 84% (161) cases, the accus were named (namzad).
- 37% of the violent family members of the women who were murdered or tortured are free and at large, and were never arrested
- 46% of the sexual assaulters have never been arrested and free and at large.

This clearly indicates that police action in terms of arrests and detention is very poor and there is sufficient grounds to suspect that this could be due to malafide intentions. Justice for women who have suffered from or succumbed to violence is not possible even with the requisite laws in place.

Overall the data collected is just the tip of the iceberg. But one can clearly say that incidence of violence against women is very high in the state. It was shocking to see the non-committal and irresponsible attitude of the state redressal machinery towards violence against women.

ANNEXURE 1

Report of Meeting to present the HISAAB Phase One Findings, 9-10th April, 2001, Lucknow

Introduction:

The findings of this study were used for advocacy on the issue of demanding accountability from the state and society for the continuing violence against women in Uttar Pradesh. As such the findings were presented before governments departments, the media and other NGOs at a meeting on the 9th and 10th of April, 2001 in Lucknow, the state capital of Uttar Pradesh. The following is a brief report of the meeting and its outcome.

Background:

The year 2001 had been declared by the Government of India as the year of Women's Empowerment. Accordingly the government of Uttar Pradesh also determined to regard women's issues in a new light in this year, and the women NGOs of Uttar Pradesh started monitoring this commitment. WAMA as a large state level women's network started its campaign *HISAAB: Hinsa Sehna Bandh!* (**Demand Accountability- Stop Tolerating Violence!**) The campaign was officially launched on 25th November 2000, the International Day of Action Against Violence Against Women.

The campaign aimed at examining and making more visible the whole issue of VAW in Uttar Pradesh and seeking a sustainable solution to it from a human rights perspective. The title of the campaign seeks to expose the law and legal machinery in its callous attitude towards VAW, as well as the social practices and family structures that perpetrate VAW, and demand an end to this violation of women's human rights.

WAMA defined its understanding of VAW as a process of assault and oppression that impacts on women physically, mentally, sexually, economically, socially, politically and emotionally. The forms of VAW included rape, domestic violence, dowry related violence and death, suicides, murder (including honour killings), mental torture, sexual abuse (including stripping and parading), violence in state custody, abduction, deliberate medical negligence, abandoning, eviction and myriad other forms. Although there are many forces that are guilty of this crime against women, the three

main agents who perpetrate VAW are the family, the community and the state.

In order to publicise the whole issue and WAMA's perspective on it, a "Pocket Info-Planner" for the year 2001 was brought out on the issue of VAW by one of the partner organisations and widely distributed to women organisations, people's representatives, media persons and personnel of concerned government departments. Another strategy was to gather secondary data on the incidence of VAW from different parts of Uttar Pradesh using sources like media coverage, police records and hospital records. This was presented to the concerned government departments and media persons at a state-level meeting on 9-10th of April, 2001 at Lucknow, Uttar Pradesh.

Day One:

The meeting began with welcoming the women organisations and NGO representatives who were participating on the first day. The representatives of the partner organisations (who were part of the study) as follows shared their findings: Vanangana, DISHA, Nari Vikas Sewa Samiti, Mahila Shakti Vikas Kendra, Gramya and AALI. A literature review of VAW in UP was presented by one organisation, KRITI Resource Centre. In the second half, one partner organisation Vanangana, presented a play called "*Om Jai Bharatiya Naari*", which depicted how a rape takes place within the family and the attitude of the various community and state actors towards the survivor and her family. The questions raised by the survivor at the end of the play provided considerable matter for discussion among the participants.

Day Two:

On the second day, the senior representatives of the following government departments arrived to attend the meeting:

- Women and Child
- Education
- Police (Crime)
- Police (Human Rights)
- Health
- Legal Aid
- Social Welfare

A Briefing Kit containing the following was distributed to each person:

1. Recognising the mandate for State Intervention to end VAW under- Constitution of India, IPC and Supreme Court Judgements
2. India is an informed state on the issue of VAW: it has accepted international declarations and human rights instruments
3. Briefs of Beijing and CEDAW (general recommendation 19 on VAW)
4. Literature review of VAW in UP
5. Key findings of the present study
6. List of questions and recommendations to State actors
7. Background to HISAAB and WAMA

The day started with the presentation of the play "*Om Jai Bharatiya Naari*" for the government officials, which had a great impact. This was followed by presentations on the State Obligation to end VAW, and on the data from the literature review as well as the documentation of VAW in UP conducted within this campaign. The partner organisations who conducted the documentation exercise also shared their difficulties in actually getting data from state sources. After this the state representatives in turns responded to the presentations and the questions that were put to them. They acknowledged the apathy of the police department in responding to VAW, and made proactive suggestions to work together with the women's organisations on the issue of VAW to address it in a comprehensive manner as follows:

- Monthly interactions to share information about cases where FIRs have not been registered
- A curriculum for VAW for Classes 6-8
- Starting a women's helpline and short-stay homes
- Right to information and to free legal aid
- Support from the Judicial Training Institute

The meeting concluded with the release of the WAMA brochure by the founder Kanchan Sinha. In the afternoon, the WAMA members had an internal meeting to strategise on the follow up to this meeting.

ANNEXURE 2

WAMA Members' List

Sr.No.	NAME	ADDRESS
1.	Arti Srivastava	3/8-9 Patrakarpuram, Gomti Nagar, Lucknow
2.	Ms. Arundhati Dhuru	"AASHA" A- 893, Indira Nagar, Lucknow
3.	Mr. Atul Sharma	"Rashtriya Manav Adhikar Sansthan" 59, Surajkund Road Meerut
4.	Ms. Bindu Singh	"GRAMYA" L-40 Vikas Pradhikaran Colony Lalpur II, Chandbhari, P.O.- Sarnath, Varanasi
5.	Ms. Deepa Varkey	"SAHYOG" Sadhana Sadan, 1 Tashkand Marg, Allahabad- 211001
6.	Father Dilraj	"ASMITA" 9 Ravindrapuri Extn. ASSI, Varanasi
7.	Ms. Farida Jalees	"Sewa Mahila Trust" 3/93, Vikas Nagar, Lucknow
8.	Ms. Harsh Lata Shah	HBM Hospital, Lalitpur, U.P.
9.	Ms. Jashodhara Dasgupta	"SAHAYOG" C-2015, Indira Nagar, Lucknow
10.	Ms. Kalpana Khare	"Mahila Shakti Vikas Kendras Gramoonnati Sansthan", Gandhi Nagar, Mahoba
11.	Ms. Kanchan Sinha	"OXFAM (India) Trust", 2/9, Vishwas Khand, Gomti Nagar, Lucknow – 226010
12.	Ms. Kamla	"PEPUS" 133, Indira Nagar, Nyay Nagar, Avas Yojna, Jhusi, Allahabad
13.	Ms. Kalindi Tripathi	"Nari Vikas Sewa Samiti", Sapaha Road, Kasiya, Kushi Nagar
14.	Ms. Lakshmi Patil	13/327, Parmet, Kanpur
15.	Ms. Madhavi Kukreja	"Vanangana", Dwatikapuri Karvi, Chitrakoot
16.	Ms. Malini Subhramaniam	G-101, Lake view Enclave Shimla Hillas, Bhopal – 462013
17.	Ms. Madhu Kohli	"Gram Mitihari" P.O.- Bijpur, Dubhi Distt- Sonbhadra
18.	Ms. Manju Shukla	20, Gopal Nagar, P.O.- Alambagh, Lucknow – 226023
19.	Ms. Madhu Garg	"Janwadi Mahila Samiti" D- 122, South City, Ambedkar University Raibareilly Road Lucknow

20.	Ms. Nisha Srivastava	"CHETNA", 100-B, Ashok Nagar, Allahabad- 211001
21.	Neelam Chaturvedi	"Sakhi Kendra", 71, H.I.G.K.D.A. Colony P.A.C. Road Shyam Nagar, Kanpur
22.	Ms. Pushpa Valmiki	"AADHARSHILA", C- 1585, Indira Nagar, Lucknow
23.	Putul	"JANHIT" C/o Rajeev, 83, 2 nd floor Halwasiya, Lucknow
24.	Ms. Padma Singh	C/o Sri Ramchander, 531, Mumfordganj, Allahabad – 211002
25.	Ms. Prem Lata Chaube	Secretary "AKANKSHA", Krishi Gramin Vikas Sansthan, Bhadhwari House, Lalitpur
26.	Ms. Rajul Mathur	18, Nyay Marg, Allahabad
27.	Dr. Roop Rekha Verma	M-1/14, Aliganj Housing Society. Sec-B, Aliganj, Lucknow
28.	Ms. Rehana Adeeb	"Disha Social Organisation" Sultanpur, Chilkhana, Distt.- Saharanpur – 247231
29.	Ms. Ranjana Gaur	"SAARC", 147, Vindya Vasini Colony, Ardali Bazar, Varanasi
30.	Ms. Sandhya	"Shikhar Prakashan Sansthan", Takaur Near Rani Bangloo Chunar, Mirzapur
31.	Ms. Sushila Srivastava	Tagore Bal Society, Mirzapur
32.	Sr. Sheeba/Deepika	"SAHYOG" Sadhana Sadan, 1, Tashkand Marg, Allahabad
33.	Ms. Subhashini Ali	"AIDWA", 15/241, Civil Lines, Kanpur
34.	Ms. Sunanda Gandhi	78, C-P, Mission Compound, Jhansi
35.	Ms. Vidya Sharma	"Mahila Manch" 132, Gosaipura, Jhansi
36.	Ms. Tulika Srivastava	"AALI" 407, Baijnath Road, Near Post Office, New Hyderabad, Lucknow
37.	Ms. Archana	"Sant Joseph Manav Kalyan Sansthan" Hanuman Mandir, Veerbhadra, Rishikesh, Dehradun- 249203
38.	Ms. Chinta Yadav	Vill- Para. Post- Chaurabagh, Vayal Virno, Dist. Gaziabad- 233308
39.	Ms. Gangawati	"Chitrakut Sewa Ashram", Mission Road, Karvi Chitrakut
40.	Ms. Jaswanti Kathait	"Himadri Mahila Jan Kalyan Samiti" Hospital, Rudrapur, Uttarakhand
41.	Ms. Jyoti Shukla	C/o V.D. Shukla, Pashu Palan Prashetra, Mahanagar, Lucknow
42.	Ms. Mani Devi	"Nari Kalyan Sewa Sansthan", Sabaya, Near Civil Court, Kashi, Kashi
43.	Dr. Manju Dubey	"Mansi" 14/5, Indira Nagar, Lucknow

44.	Dr. Nandlal	"Mahila Avam Bal Kalyan Sansthan" Para- Choura Bagh, Gazipur, U.P. – 233308
45.	Ms. Nishi Malhotra	"BETI" B- 85, Mahanagar Extn. Lucknow
46.	Ms. Nupur Kurkrety	May Pakhar, 7, T. Sh. Mani Nagar, Nagpur, Maharashtra – 440010
47.	Padmaja Nair	417B, Baijnath Road, Near Post Office, New Hyderabad, Lucknow
48.	Sr. Tara	13/36, Indira Nagar, Nav Jagrali, Lucknow- 226016
49.	Ms. Sandhya	"Mahila Evam Baal Kalyan Sewa Samiti", Vill.- Jhungra, Distt. – Kushinagar
50.	Ms. Kanti Maurya	C/o Sumitra Devi "Mahila Takneek Vikas Sansthan" Bulakipur, Karenti, Kunda, Pratapgarh
51.	Ms. Kanaklata Shivhare	"Press Reporter Welfare Association U.P." 887, Azadpura Mota, Near Baria, Lalitpur, U.P.
52.	Ms. Kamla Singh	"Vinoba Sewa Ashram" Barttara, Shahjahnpur- 242306
53.	Ms. Vimal Singh	"Vinoba Sewa Ashram" Barttara, Shahjahnpur- 242306
54.	Ms. Mamta Jain	"Vikas Dhara Vidha Mahila Sasthan", 97/3-B, Behind Elite Cinema, Civil Lines, Jhansi – 2184002
55.	Ms. Manju	"Yuva Vikas Sansthan", Malikpur (Near Salempur Mor) P.O.- Mohamdabad, Gazipur
56.	Ms. Chanda Yadav	"Yuva Vikas Sansthan", Malikpur (Near Salempur Mor) P.O.- Mohamdabad, Gazipur
57.	Ms. Madhu Rai	"Virangana Mahila Vikas Sansthan" 132, Gusainpura, Jhansi
58.	Ms. Vidya Sharma	"Virangana Mahila Vikas Sansthan" 132, Gusainpura, Jhansi
59.	Dr. Swati	5, Reader's Quarters, Jodhpur Colony BHU, Varanasi – 221005
60.	Saroj Chauhan	"Sai Sewa Sansthan" Govind Nagar Colony, Hansari, Jhansi – 284001
61.	Ms. Premlata Sharma	"Sai Sewa Sansthan" Govind Nagar Colony, Hansari, Jhansi – 284001

62.	Ms. Sarg Gupta	C/o Aftab Alam, "Bhartiya Manav Samaj Kalyan Sewa Sansthan", Malgodam Road, Opp. Sidhant Talkeis Behraich
63.	Ms. Shobha Singh	"AIPWA" â 8, Patrakarpurm, Gomti Nagar, Lucknow
64.	Ms. Vijanti Singh	"Sarswati Mahila Vikas Evam Gramothan Samiti", Vill. & Post- Dumri Swagi Patti, Distt.- Kushinagar
65.	Ms. Vibha Singh	"Om Shanti Mahila Kalyan Sansthan" L/429, Indira Nagar, Raibareli
66.	Ms. Vandana Sharma	"Manav Sewa Ashram" Kadipur, P.O.- Rinapur, Azamgarh
67.	Ms. Saroj Singh	"Manav Sewa Ashram" Kadipur, P.O.- Rinapur, Azamgarh
68.	Mr. Harivansh Singh	"Manav Sewa Ashram" Kadipur, P.O.- Rinapur, Azamgarh
69.	Ms. Richa	"Mahila Samakhya", Sivpuri Colony, Near Home Guard Office, Sitapur, U.P.
70.	Ms. Bani Sharma	B/152, Sect. A, Mahanagar, Lucknow

ANNEXURE 3

Declaration on Elimination of Violence Against Women

Recognizing the urgent need for the universal application to women of the rights and principles with regard to equality, security, liberty, integrity and dignity of all human beings,

Noting that those rights and principles are enshrined in international instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Recognizing that effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women would contribute to the elimination of violence against women and that the Declaration on the Elimination of Violence against Women, set forth in the present resolution, will strengthen and complement that process,

Concerned that violence against women is an obstacle to the achievement of equality, development and peace, as recognized in the Nairobi Forward-looking Strategies for the Advancement of Women, in which a set of measures to combat violence against women was recommended, and to the full implementation of the Convention on the Elimination of All Forms of Discrimination against Women,

Affirming that violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms, and concerned about the long-standing failure to protect and promote those rights and freedoms in the case of violence against women,

Recognizing that violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial

social mechanisms by which women are forced into a subordinate position compared with men,

Concerned that some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women and women in situations of armed conflict, are especially vulnerable to violence,

Recalling the conclusion in paragraph 23 of the annex to Economic and Social Council resolution 1990/15 of 24 May 1990 that the recognition that violence against women in the family and society was pervasive and cut across lines of income, class and culture had to be matched by urgent and effective steps to eliminate its incidence,

Recalling also Economic and Social Council resolution 1991/18 of 30 May 1991, in which the Council recommended the development of a framework for an international instrument that would address explicitly the issue of violence against women,

Welcoming the role that women's movements are playing in drawing increasing attention to the nature, severity and magnitude of the problem of violence against women,

Alarmed that opportunities for women to achieve legal, social, political and economic equality in society are limited, inter alia, by continuing and endemic violence,

Convinced that in the light of the above there is a need for a clear and comprehensive definition of violence against women, a clear statement of the rights to be applied to ensure the elimination of violence against women in all its forms, a commitment by States in respect of their responsibilities, and a commitment by the international community at large to the elimination of violence against women,

Solemnly proclaims the following Declaration on the Elimination of Violence against Women and urges that every effort be made so that it becomes generally known and respected:

Article 1

For the purposes of this Declaration, the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

Article 2

Violence against women shall be understood to encompass, but not be limited to, the following:

- (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Article 3

Women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. These rights include, inter alia:

- (a) The right to life;
- (b) The right to equality;
- (c) The right to liberty and security of person;
- (d) The right to equal protection under the law;
- (e) The right to be free from all forms of
- (f) discrimination;
- (g) The right to the highest standard attainable of physical and mental health;
- (h) The right to just and favourable conditions of work;
- (i) The right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment.

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About WAMA

WAMA is a network of women's activists of Uttar Pradesh state in India, which was started as a post-Beijing initiative to strengthen the women's movement in Uttar Pradesh.

WAMA draws its ideology from feminism and the human rights perspective. WAMA has grassroots women activists, academicians, gender trainers and human rights advocates among its members.

WAMA's activities include state-level and regional meetings, workshops for building conceptual clarity, media advocacy, fact-finding, campaigns and protests. WAMA has been very involved on the issue of Violence Against Women (VAW) as this state has among the highest rate of crimes against women in India. The types of rights violations that WAMA has worked against include child sex abuse and incest, honour killings, public stripping and parading, custodial or caste based rape, state-sponsored attacks of human rights defenders and on sexual minorities, communal violence and so forth. WAMA has also substantially helped to draft the Uttar Pradesh Women's Policy in 2001 for the Department of Women and Child in collaboration with other women's groups.

WAMA has worked in close association with other organisations, networks and activists in other parts of the country on women's human rights, such as the Janwadi Mahila Samiti, Human Rights Law Network, Partners in Law and Development, Nirantar, National Women's Federation, PUCL, AIPWA, dalit rights groups, and other national level feminist academicians and activists.